

Washington, Tuesday, January 30, 1962

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Now Available

CFR SUPPLEMENTS

(As of January 1, 1962)

The following Supplements are now available:

Title 26 (Parts 30–39)____ Title 46 (Parts 146-149) 1961 Supplement 2___

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Rules and Regulations

Title 5—ADMINISTRATIVÈ PERSONNEL

Chapter I—Civil Service Commission
PART 6—EXCEPTIONS FROM THE
COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the Federal Register, subparagraph (14) is added to paragraph (a) of § 6.313 as set out below.

§ 6.313 Department of Labor.

(a) Office of the Secretary. * * * (14) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant
to the Commissioners.

[F.R. Doc. 62-971; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business
Administration

[Admt. 2]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Aggregate Limitation on Investments and Loans

There was published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10702) a notice of intention to amend, among others, § 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication of the notice in the Federal Register. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendment, the amendment of regulation as so proposed is hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment of regulation shall become effective upon publication thereof in the Federal Register.

The regulations Governing Small Business Investment Companies (26 F.R. 8232–8242) is hereby amended by:

1. Deleting the heading of § 107.708 and substituting in lieu thereof "Aggregate limitation on investments and loans"; as amended, the heading reads as follows: § 107.708 Aggregate limitation on investments and loans.

2. Adding a new paragraph (a) to § 107.708 and by lettering the present paragraph under § 107.708 as (b). As amended, § 107.708 reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

(a) Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans under section 302(a) of the Act) or \$500,000, whichever is the lesser. Such \$500,000 limitation shall apply only with respect to loans made to and Equity Securities acquired from a small business concern by a Licensee on or after October 3, 1961, but shall not apply with respect to any loans made, or Equity Securities acquired, pursuant to a commitment issued before such date. Furthermore, the \$500.000 limitation shall not apply so long as fifty percent (amount invested, disbursed, or committed) of the Equity Securities acquired and loans made by a Licensee after October 3, 1961, meet such \$500,000 limitation.

(b) Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved

is \$300,000 or less.

Dated: January 24, 1962.

John E. Horne,
Administrator.

[F.R. Doc. 62-967; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board SUBCHAPTER B—PROCEDURAL REGULATIONS -{Reg. No. PR-58; Amdt. 3}

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Delegation of Function to Hearing Examiners

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962:

On September 12, 1961, the Board issued a notice of proposed rule making, PDR-8, Docket 13032 (26 F.R. 8642) proposing various amendments to the Board's rules of practice in Air Safety and Economic Proceedings which would expressly delegate to hearing examiners, under Reorganization Plan No. 3 of 1961, the Board's function of making the agency decision and prescribe appropriate procedures for discretionary review by the Board of Examiners' decisions made pursuant to such delegation.

In response to certain comments concerning the Part 302 phase of this notice, the Board has considerably broadened the permissible grounds upon which petitions for discretionary review may be filed in economic cases in the final regulation (PR-59) simultaneously adopted herewith. Since it appears desirable to apply the same provisions to petitions seeking discretionary review of initial decisions of examiners in safety enforcement cases, § 301.45(c) of the final regulation set forth below has been identically revised.

The notice provided that petitions for reconsideration of Board orders declining review of an initial decision will not be entertained. In response to suggestions that such petitions be permitted, the Board is permitting them but only in instances where the order exercises the Board's right of review in part and limited to the single question of whether any issue designated for review and any issue not so designated are so inseparately interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding § 301.45(e) has been revised accordingly.

Upon the Board's own initiative. § 301.46(a) has been revised to make it clear that review by the Board of the initial decision is committed to its discretion. Thus, the grounds specified in that section merely prescribe the contents of petitions for discretionary review and the Board remains free to decline to exercise its right of review if it believes that review is not required in the public interest. This coresponds to the intent of the Reorganization Plan and is similar to the traditional practice of the United States Supreme Court concerning petitions for writ of certiorari. However, the Board will review any initial decision when two or more members believe such action to be appropriate, irrespective of whether any petition for discretionary review has been filed or whether such petition alleges the prescribed grounds.

The notice of rule making proposed to delegate the Board's function of rendering a decision on the merits of a proceeding. We have revised the final regulation to make it clear that the delegation also encompasses all ancillary procedural issues which have not been decided at the time the record is closed and which have not been appealed to

the Board in accordance with the requirements of § 301.11(d).

Upon further consideration of the matter, the Board has decided to liberalize the provisions of the notice of rule making which required petitions for discretionary review to be filed within 15 days after service of the initial decision and answers in opposition to be filed within 10 days after service of such petition. Accordingly, the final regulation set forth below extends the time for filing such petitions to 20 days and the time for filing such answers to 15 days. This extension restores the time limits presently in effect for the filing of a perfecting brief on appeal and a brief responsive thereto.

The notice also provided that the initial decision of an examiner made under delegated authority would become the final decision of the Board 30 days after service thereof if no petition for review was filed or if the Board failed to review on its own initiative. The provisions of the notice relating to this matter have been revised to provide for the filing of a notice of intent to petition for discretionary review within 10 days after service of the initial decision and to make the initial decision effective upon the expiration of that period unless, prior thereto, a notice of intent is filed or the Board orders the proceeding reviewed upon its own initiative. This new provision conforms to the presently effective practice whereby initial decisions become effective 10 days after service thereof if no notice of appeal has been filed and has been adopted in order to continue expeditious enforcement of the Civil Air Regulations.

Subparagraph (9) of present § 301.-11(b), which authorized the examiners to certify questions to the Board in their discretion, has been deleted in order to reflect the enactment of new § 301.35 which permits the Board to direct the examiners to certify any questions or the entire record in the proceeding to it for decision. The exercise of such discretion by hearing examiners appears inconsistent with the intent of Reorganization Plan No. 3 of 1961 which contemplates that the Board, alone, will determine whether it will review any issues in a proceeding. After careful consideration of various comments which generally seek minor changes in the proposed rule, the Board has decided to reject them because they are either unnecessary or would not be consistent with the public interest and the effective and prompt dispatch of the Board's business. Certain editorial changes in the text of the proposed rule have also been made.

Interested persons have been afforded an opportunity to participate in the formulation of this new regulation, and due consideration has been given to all relevant matter presented.

Since this amendment is not a substantive rule but one of agency procedure, the amendment may be made effective less than 30 days after its publication in the FEDERAL REGISTER.

The Board has decided that this regulation shall be made effective with respect to any formal hearing proceeding

have not actually commenced on or before the effective date of these amendments.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301) effective February 1, 1962, as follows:

§ 301.1 [Amendment]

1. Amend § 301.1 by inserting two additional definitions to read respectively:

'Initial decision" means the examiner's decision on the substantive and procedural issues remaining for disposition at the close of the hearing in a proceeding, pursuant to delegation of authority under § 301.11(b) of this part, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner. This definition does not include the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.11(d) and does not apply to the term "initial decision" as used in § 301.50.

"Petition for discretionary review" means a petition to the Board for review, of an initial decision made by an examiner pursuant to authority delegated in § 301.11(b).

§ 301.2 [Amendment]

2. Amend § 301.2 by inserting after the first sentence thereof the following sentence: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961, of the Board's function to render the agency decision, subject to discretionary review by the Board."

3. Amend Part 301 by adding a new § 301.4 thereto to read as follows:

§ 301.4 Effective date of amendments.

Amendments to §§ 301.1, 301.2, 301.11, 301.15, 301.40, 301.45, 301.46, 301.47, 301.48, 301.50, and the addition of a new § 301.35 (27 F.R. 851) shall be effective February 1, 1962, and the procedural changes made by such amendments and addition shall not apply to any proceeding in which the hearing has actually commenced on or before February 1,

§ 301.11 [Amendment]

4. Amend § 301.11 by deleting subparagraph (9) of paragraph (b) and renumbering subparagraph (10) as subparagraph (9).

5. Amend § 301.11 by redesignating paragraphs (b) through (d) as (c) through (e), respectively; amending the caption of redesignated paragraph (d) to read "Appeals from examiners' interlocutory rulings"; and inserting a new paragraph (b) to read:

(b) Delegation of authority to make the agency decision subject to discretionary review. Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of governed by Part 301 in which hearings making the agency decision on the sub-

stantive and procedural issues remaining for disposition at the close of the hearing in such case, except that this delegation does not apply in cases arising under section 609 of the Act where the Administrator of the Federal Aviation Agency has advised the Board that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of his order appealed from. This delegation does not apply to the review of rulings by the examiners on interlocutory matters which have been appealed to the Board in accordance with the requirements of paragraph (d) of this section.

§ 301.15 [Amendment]

- 6. Amend § 301.15(b) in part to read:
- (b) Other pleadings, motions or documents. All other pleadings, motions or documents, including petitions for discretionary review of an examiner's decision under authority delegated in § 301.11(b) of this part, shall be served before filing with the Board, by personal service or certified or registered mail. Service by certified or registered mail shall be complete * * * [remainder unchanged].

7. Add a new § 301.35 to read:

§ 301.35 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is certified to the Board, the examiner shall not render an initial decision but shall only recommend to the Board a decision as required by section 8(a) of the Administrative Procedure Act.

§ 301.40 [Amendment]

- 8. Amend § 301.40(a) to read:
- (a) The examiner shall render his initial decision in writing after the close of the hearing. The decision shall recite that it is made under delegated authority, and contain notice of the provisions of § 301.45(a).
- 9. Amend § 301.40(c) to read as follows:
- (c) The initial decision shall be served upon the parties. At any time before the date for filing a petition for discretionary review has passed, the examiner or the Board may, for good cause shown, extend the time within which to file a petition for such review and the examiner may also reopen the case for good cause upon notice to the parties.
 - 10. Delete paragraph (d) of § 301.40.
- 11. Amend the descriptive caption preceding § 301.45 to read as follows: "Discretionary Review of Decisions."
 - 12. Amend § 301.45 to read as follows:

-§ 301.45 Procedure on petitions for discretionary review.

(a) Notice of intent to petition for discretionary review. Within 10 days after service upon him of an initial decision, a party may petition for review thereof by filing with the Board and serving upon the other parties (pursuant to § 301.15(b)) a notice of intent to

petition for discretionary review. Such notice of intent need not specify the portions of the initial decision to which objections are taken nor adduce any supporting reasons therefor. Upon good cause shown, the Board may extend the time for filing a notice of appeal.

- (b) Effect of examiner's initial decision. Unless a notice of intent to file a petition for discretionary review is filed pursuant to paragraph (a) of this section, or the Board issues an order to review upon its own initiative, the initial decision made by an examiner pursuant to § 301.11(b) shall become effective as the decision of the Board 10 days after service thereof. If such notice and such petition are timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's decision is stayed until the further order of the Board.
- (c) Petitions for discretionary review.

 (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party to a proceeding subject to this subpart may file and serve a petition for discretionary review by the Board of a decision rendered pursuant to § 301.11 (b) within 20 days after service thereof.
- (2) Petitions for discretionary review shall be accompanied by proof of service on all parties, shall concisely and plainly state the issues presented for review and shall be filed only upon one or more of the following grounds:
- (i) A finding of a material fact is erroneous;
- (ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;
- (iii) A substantial and important question of law, policy or discretion is involved; or
- (iv) A prejudicial procedural error has occurred.

Petitions for discretionary review shall not exceed 10 pages in length.

- (d) Answer. Within 15 days after service upon the opposing party of a petition for discretionary review, such party may file in opposition thereto an answer of not more than 10 pages, which shall be served on all parties and accompanied by proof of service.
- (e) Orders declining review. orders declining to exercise the Board's right of review will specify the date upon which the examiner's decision shall become effective as the final decision of the Board. A petition for reconsideration of a Board order declining review will be entertained only when the order exercises, in part, the Board's right of review and such petition shall be limited to the single question of whether any issue designated for review and any issue not so designated are so inseparately interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding.
- 13. Amend § 301.46 to read as follows: § 301.46 Proceedings on review.
- (a) Orders exercising right of review. The Board will exercise its right of re-

view if it finds that the public interest so requires, or when two or more Board Members vote in favor of such review. An order of the Board providing for review will:

(1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for discretionary review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.

(2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof.

(3) Designate the parties_to the re-

view proceeding.

- (b) Briefs. Petitioner's brief on the issues specified in the Board's orders on review shall be filed within 20 days after service of such order. When a party who has filed a petition for discretionary review fails to file a timely brief complying with the requirements of this section, the Board may rescind in whole or in part its order exercising its right of review.
- (c) Contents of briefs. Each petitioner's brief shall set forth in detail the alleged errors in the initial decision and state the reasons for such objections and the relief requested. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in the brief.
- (d) Answering briefs. Within 15 days after service of a brief supporting the petition for discretionary review, any other party may file and serve an answering brief. No further briefs may be filed except upon specific leave of the Board granted upon a showing of good cause. Where the answering brief relies upon evidence of record, specific citations thereto shall be made in the brief.
- (e) Number of copies. Eight copies of briefs shall be filed with the Board. The filing shall be accompanied by proof of service.
- (f) Oral argument. Oral argument before the Board will normally not be held in proceedings conducted under this part. However, the Board may permit oral argument when it is specifically requested and a need therefor is shown.
- 14. Delete § 301.47 and insert in lieu thereof a new § 301.47 to read:
- § 301.47 Board decision on review of initial decisions.

The Board will dispose of the issues on review by appropriate order which includes a statement of the reasons for its findings and conclusions. If the Board determines that the examiner erred in any respect or that his order specifying the appropriate sanction or denial thereof should be changed, the Board may make any necessary findings or order in lieu thereof or remand the case for further hearing.

§ 301.48 [Amendment]

15. Amend the second sentence of \$301.48 to read as follows: "Initial decisions which have become final, in the absence of a timely notice of intent (un-

der § 301.45(a)) or petition for discretionary review or because the Board has declined to order review thereof, shall not be deemed orders for this purpose."

§ 301.50 [Amendment]

- 16. Amend § 301.50 by inserting in paragraph (c), after the words "initial decision" in the second sentence thereof, the clause "(not made under authority delegated by § 301.11(b))."
 - 17. Amend § 301.50(d) to read:
- (d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.11 (b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within two days thereafter. Such notice of appeal need not comply with the requirements prescribed for petitions for discretionary review. Within five days of the notice of appeal. each party shall file one brief with the Board. Such briefs shall comply with the requirements of § 301.46 (c) and (e). The Board will give three days' notice of oral argument, where granted. Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new evidence has been discovered which could not have been discovered before by the exercise of due diligence. The Board, upon its own motion. may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

Effective date of Amendment No. 3. Amendment No. 3 to this part shall be effective February 1. 1962.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481 and Reorgan. Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, Secretary.

[F.R. Doc. 62-974; Filed, Jan. 29, 1962; 8:47 a.m.]

[Reg. No. PR-59, Amdt. 5]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Delegation of Function to Hearing Examiners

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

On September 12, 1961, the Board issued a notice of proposed rule making, PDR-8, Docket 13032 (26 F.R. 8642), proposing various amendments to the Board's rules of practice in Economic Proceedings which would delegate to hearing examiners, under Reorganization Plan No. 3 of 1961, the Board's function of making the agency decision and prescribe appropriate procedures for discretionary review by the Board of examiners' decisions made pursuant to such delegation.

Some of the comments received urged the Board to initially limit the scope of the proposed delegation of function to hearing examiners to routine and simple economic cases and to review its examiners' judgments in any case having a significant impact upon the parties thereto without regard to whether the questions involved are significant to the administration of the Federal Aviation Act. The Board is unable to accept this view concerning the best method of implementing the objectives underlying the enactment of Reorganization Plan No. 3. The major purpose sought to be achieved by the Board's proposed rule is the substitution of certiorari type review procedures which will afford the Board plenary administrative discretion to determine when review is appropriate for the present practice in which the Board gives de novo consideration to each and every issue which any party may elect to raise by exception to an examiner's decision without regard to the substantiality or importance of such issues. The final regulation which the Board has decided to adopt will enable the Board to achieve this major procedural objective by giving it full freedom to review all, or appropriate selected issues, in a proceeding whenever the Board or any two of its Members deem such review to be desirable. Thus, it is apparent that the Board will retain the ultimate decisionmaking power and can adequately protect the rights of parties to its proceed-. ings against unsound decisions of an examiner acting under delegated authority without limiting the scope of the delegation.

However, in response to the comments urging the Board to review cases which involve economic judgments, particularly those of importance to the carriers, the final regulation broadens the permissible grounds upon which petitions for discretionary review may be filed. The notice of rule making limited the filing of petitions for discretionary review to cases where a finding of material fact was clearly erroneous; a legal conclusion was contrary to precedent; a substantial and important question of policy was involved; or a procedural error was committed. These standards have been liberalized by the deletion of the requirement that an examiner's finding of material facts be "clearly erroneous" so that parties may seek review of any error concerning such facts. The standards concerning review of legal questions have been enlarged to cover unprecedented situations as well as those where the examiner's decision departs from settled precedent. Finally, the standards have been broadened by the express inclusion of substantial and important questions of "law or discretion," in addition to questions of "policy," as grounds for the filing of petitions for discretionary review. Interested persons may now ask the Board to exercise its discretion by reviewing issues which have an important economic impact upon the petitioner although they are not necessarily signicant in the formation of Board policy.

Section 302.28(a) (2) has been revised to make it clear that review by the Board of the initial decision is committed to its discretion. Thus, the grounds specified in that section merely prescribe the contents of petitions for discretionary review and the Board remains free to decline to exercise its right of review if it believes that review is not required in the public interest. This corresponds to the intent of the Reorganization Plan and is similar to the traditional practice of the United States Supreme Court concerning petitions for writ of certiorari. However, the Board will review any initial decision when two or more members believe such action to be appropriate, irrespective of whether any petition for discretionary review has been filed or whether such petition alleges the prescribed grounds.

The notice of rule making proposed to delegate the Board's function of rendering a decision on the merits of a proceeding. We have revised the final regulation to make it clear that the delegation also encompasses all ancillary procedural issues which have not been decided at the time the record is closed and which have not been appealed to the Board in accordance-with the requirements of § 302.18.

Several of the commenting parties requested that more time be given to file petitions for discretionary review and answers in opposition thereto. notice proposed that such petitions and answers be filed within 15 and 10 days respectively after service of the initial decision and the opposing party's petition for review. In response to these comments, the attached final regulation extends the time for filing such petitions to 25 days and the time for filing answers thereto to 15 days. In response to many comments, the provisions of the proposed rule prescribing a maximum length of 10 pages for such petitions and answers have been liberalized by increasing the allowable length of such documents to 15 pages. A provision has also been added whereby a party desiring to answer two or more petitions for review may file a single document of not more than 20 pages in length. In the event that any of these prescribed filing dates or page limitations prove to be inequitable in a particular situation, parties may request the Chief Examiner to exercise his delegated authority by changing such procedural requirements.

The notice provided that petitions for reconsideration of Board orders declining review of an initial decision will not be entertained. In response to suggestions that such petitions be permitted, the Board is permitting them but only in instances where the order exercises the Board's right of review in part and limited to the single question of whether any issue designated for review and any issue not so designated are so inseparably interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding. Section 302.28(c) has been revised accordingly.

Other comments seeking relatively minor changes in the proposed rule have been rejected because the proposals are either unnecessary or would not be consistent with the public interest and the

effective and prompt dispatch of the Board's business. Certain editorial changes in the text of the proposed rule have also been made.

Interested persons have been afforded an opportunity to participate in the formulation of this rule, and due consideration has been given to all relevant matter presented.

Since this amendment is not a substantive rule but one of agency procedure, it may be made effective less than 30 days after publication in the Federal Register.

The Board has decided that this regulation shall be made effective with respect to any formal hearing proceeding governed by Part 302 in which hearings have not actually commenced on or before the effective date of these amendments.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) effective February 1, 1962, as follows:

§ 302.1 [Amendment]

1. Amend § 302.1(a) by inserting after the first sentence thereof the following text: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961 of the Board's function to render the agency decision, subject to discretionary review by the Board."

§ 302.22 [Amendment]

- 2. Amend § 302.22 by deleting subparagraph.(9) of paragraph (c) and renumbering subparagraphs (10) and (11) as, respectively, subparagraphs (9) and (10).
- 3. Amend the last sentence of § 302.22 by changing the words "exceptions to" to read "petitions for discretionary review of."
- 4. Amend § 302.22 by adding a new paragraph (d) thereto to read as follows:
- (d) Certification to Board for decision. At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is thus certified, the examiner shall not render an initial decision but shall recommend a decision to the Board as required by section 8(a) of the Administrative Procedure Act unless, in rule making or determining applications for initial licenses, the Board advises him that it intends to issue a tentative decision.
- 5. Delete present § 302.27 and insert in lieu thereof a new § 302.27 to read:

§ 302.27 Delegation to examiners and action by examiners after hearing.

(a) Delegation of authority to make the agency decision subject to discretionary review. Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this Part the Board's function of making the agency decision on the substantive and procedural issues remaining for disposition at the close of

the hearing in such case, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner, or in cases requiring Presidential approval under section 801 of the Act. This delegation does not apply to the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 302.18. The term "initial decision," as used in this part, shall encompass the examiner's decision pursuant, respectively, to this delegation of authority on the merits of the proceeding and upon all ancillary procedural issues remaining for disposition at the close of the hearing.

(b) Action by examiner after hearing. (1) Every initial or recommended decision issued shall state the names of the persons who are to be served with copies of it, the time within which exceptions to, or petitions for review of, such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial decision shall recite that it is made under delegated authority, and contain notice of the provisions of paragraph (c) of this section. In the event the examiner certifies the record to the Board without an initial or recommended decision, he shall notify the parties of the time within which to file proposed findings and conclusions with the Board and

(2) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the examiner shall

take the following action:

supporting briefs.

(i) Cases subject to section 802 of the Act. In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Act, the examiner shall render a recommended decision orally on the record or in writing.

(ii) Other matters. If the proceeding relates to any matter not provided for in subdivision (i) of this subparagraph, the examiner shall render an initial decision

in writing.

- (c) Effect of initial decision. Unless a petition for discretionary review is filed pursuant to § 302.28 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 30 days after service thereof. If a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.
- 6. Delete present § 302.28 and insert in lieu thereof a new § 302.28 to read:
- § 302.28 Petitions for review of initial decisions and review proceedings.
- (a) Petitions for review. (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 25 days after service thereof.

- (2) Petitions for review shall be accompanied by proof of service and shall concisely and plainly state the issues presented for review and shall be filed only upon one or more of the following grounds:
- (i) A finding of a material fact is erroneous;
- (ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;

(iii) A substantial and important question of law, policy or discretion is involved; or

(iv) A prejudicial procedural error has occurred. Where objections are based on the record, the portions of the record relied upon shall be identified by detailed citation. Petitions for review shall not exceed 20 pages in length, and shall otherwise comply with the formal specifications set forth in § 302.31(b).

(b) Answer. Within 15 days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not more than 15 pages, which shall otherwise comply with the formal specifications set forth in § 302.31(b). Provided, however, That if any such opposing party desires to answer two or more petitions for review, such party shall file a single answer of not more than 20 pages.

- (c) Orders declining review. Board orders declining to exercise the Board's right of review will specify the date upon which the examiner's decision shall be come effective as the final decision of the Board. A petition for reconsideration of a Board order declining review will be entertained only when the order exercises, in part, the Board's right of review and such petition shall be limited to the single question of whether any issue designated for review and any issue not so designated are so inseparably interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding.
- (d) Review proceeding. The Board will exercise its right of review if it finds that the public interest so requires, or when two or more Board Members vote in favor of such review. An order of the Board providing for review will:
- (1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.
- (2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof.
- (3) Designate the parties to the review proceeding.

§ 302.30 [Amendment]

- 7. Amend § 302.30 in the following respects:
- a. Delete the words "initial or" from the caption and first sentence thereof.

b. Delete the word "initial," from the second sentence thereof.

§ 302.31 [Amendment]

- 8. Amend paragraph (a) of \S 302.31 as follows:
- a. Delete the words "initial or" from the first sentence,
- b. Insert immediately after the first sentence the following text: "Briefs on the issues specified in the Board's orders on review of initial decisions shall be filed within 30 days after the date of service of such orders."
- 9. Amend the first sentence of paragraph (b)(2) of § 302.31 to read as follows: "Briefs to the Board may not incorporate by reference any portion of briefs previously submitted to the examiner assigned to the proceeding."
 - 10. Amend § 302.33 to read as follows:

§ 302.33 Waiver of procedural steps after hearing.

The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in $\S\S 302.25$ to 302.32: Oral argument before the examiner, the filing of proposed findings and conclusions for the examiner, or for the Board, a recommended decision of the examiner, a tentative decision of the Board, exceptions to a recommended decision of the Board, a petition for discretionary review of an initial decision, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 [Deletion]

- 11. Delete § 302.34.
- 12. Amend § 302.36 to read as follows:

§ 302.36 Final decision of the Board.

When a case stands submitted to the Board for final decision on the merits, the Board will dispose of the issues presented by entering an appropriate order which will include a statement of the reasons for its findings and conclusions. Such orders shall be deemed "final orders" within the purview of § 302.37(a).

§ 302.37 [Amendment]

- 13. Amend the first sentence of § 302.-37(a) to read as follows: "A petition for reconsideration, rehearing or reargument may be filed by any party to a proceeding within twenty (20) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board. *Provided*, That no such petition shall be filed with respect to an initial decision or any portion thereof which has become final."
- 14. Amend Part 302 by adding a new § 302.41 thereto to read as follows:

§ 302.41 Effective date of amendments.

Amendments to §§ 302.1, 302.22, 302.27, 302.28, 302.30, 302.31, 302.33, 302.36, 302.37, and the deletion of § 302.34 (27 F.R. 853) shall be effective February 1, 1962, and the procedural changes made by such amendments and deletion shall not apply to any proceeding in which the hearing has actually commenced on or before February 1, 1962.

RULES AND REGULATIONS

Effective date of Amendment No. 5. Amendment No. 5 to this part shall be effective February 1, 1962.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, Reorg. Plan No. 3 of 1961, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON. Secretary.

[F.R. Doc. 62-975; Filed, Jan. 29, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C-AIRCRAFT REGULATIONS

[Reg. Docket No. 1045; Amdt. 395]

PART 507—AIRWORTHINESS **DIRECTIVES**

Hiller UH-12A and UH-12B Helicopters

Airworthiness Directive 55-8-3 (21 F.R. 9535), requires the installation of new cam follower rollers in the tail rotor drive slip joints of Hiller UH-12A and UH-12B helicopters. Service experience has shown that the replacement rollers also are subject to failure. To preclude further failures, a new directive superseding AD 55-8-3 is necessary. This directive requires the installation of improved rollers of a type which has given trouble free service in later UH-12 Series models, in both fore and aft slip joints.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), \$507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HILLER. Applies to all UH-12A and UH-

12B helicopters.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

To preclude additional failures of the tail rotor drive slip joints which can result in loss of power to the tail rotor, replace CR-10 or CR-10T type rollers of both fore and aft slip joints UH-12A Assembly Nos. 24500-9 and -10 and UH-12B Assembly Nos. 24565 and 24544, with the improved Torrington CR-10U type rollers.

(Hiller Service Bulletin No. 44, Revision A.

covers this same subject.)
This supersedes AD 55-8-3, 21 F.R. 9535.

This amendment shall become effective January 30, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 23, 1962.

G. S. MOORE. Acting Director, Flight Standards Service.

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[F.R. Doc. 62-952; Filed, Jan. 29, 1962; 8:45 a.m.]

SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-45]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On October 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9555), stating that the Federal Aviation Agency proposed to reduce the width of certain segments of intermediate altitude VOR Federal airway Nos. 1507, 1509, 1669, and 1675 and realign a segment of low altitude VOR Federal airway No. 37 and intermediate altitude VOR Federal airway No. 1669.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice the following actions are taken:

§ 600.1507 [Amendment]

1. In the text of § 600.1507 (26 F.R. 1081) "thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is deleted and "thence 14mile wide airway to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is substituted there-

§ 600.1509 [Amendment]

2. In the text of § 600.1509 (26 F.R. 1082) "thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is deleted and "thence 14mile wide airway to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials is substituted therefor.

3. Section 600.1669 (26 F.R. 1090) is amended to read:

§ 600.1669 VOR Federal airway No. 1669 (Alma, Ga., to Florence, S.C.).

From the Alma, Ga., VOR 10-mile wide airway to the INT of the Alma, Ga., VOR 035° and the Savannah, Ga., VOR 274° radials; thence to the Allendale, S.C., VOR; thence 12-mile wide airway via INT of the Allendale VOR 058° and the Florence, S.C., VOR 220° radials to the Florence VOR.

4. Section 600.1675 (26 F.R. 1090) is amended to read:

§ 600.1675 VOR Federal airway No. 1675 (Charleston, S.C., to Spartanburg, S.C.).

From the Charleston, S.C., VOR 10mile wide airway via the INT of the Charleston VOR 300° and the Columbia, S.C., VOR 153° radials; to the Columbia VOR; thence to the Spartanburg, S.C., VOR.

§ 600.6037 [Amendment]

5. In the text of § 600.6037 (26 F.R. 10428) "Savannah, Ga., VORTAC via the

INT of the Savannah VORTAC 346° and the Allendale, S.C., VOR 174° radials; Allendale VOR;" is deleted and "Savan-nah, Ga., VORTAC via the Allendale, S.C., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on Jan. 23.

LEE E. WARREN. Acting Director, Air Traffic Service.

[F.R. Doc. 62-953; Filed, Jan. 29, 1962; 8:45 a.m.]

[Airspace Docket No. 61-KC-36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601-DESIGNATION OF CON-TROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CON-TROL AREAS

Designation of Federal Airways and **Associated Control Areas**

On August 23, 1961, a notice of proposed rule making was published in the Federal Register (26 F.R. 7838), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 439 and intermediate altitude VOR Federal airway No. 1763 from Dickinson, N. Dak., to Williston, N. Dak. It was also stated that the Federal Aviation Agency proposed to designate the control areas associated with Victor 439 to extend from 700 feet above the surface to the base of the continental control area, and that separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

The Air Transport Association of America concurred with the proposed amendment. The Department of the Air Force offered no objection. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following sections are added:

§ 600.6439 VOR Federal airway No. 439 (Dickinson, N. Dak., to Williston, N. Dak.).

From the Dickinson, N. Dak., VORTAC to the Williston, N. Dak., VOR.

§ 600.1763 VOR Federal airway No. 1763 (Dickinson, N. Dak., to Williston, N. Dak.).

From the Dickinson, N. Dak., VOR to the Williston, N. Dak., VOR.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.6439 VOR Federal airway No. 439 control areas (Dickinson, N. Dak., to Williston, N. Dak.).

All of VOR Federal airway No. 439.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 24, 1962.

D. D. THOMAS. Director, Air Traffic Service.

[F.R. Doc. 62-954; Filed, Jan. 29, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A-TEST FEE SCHEDULES

PART 203—HEAT

Resistance Thermometers

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

1. Part 203 is amended by the addition of a new item (h) to § 203.103 Resistance thermometers to read as follows:

Item	Description	Fee
203.103h	Capsule-type platinum resistance thermometers—mounting this type of thermometer for test under item 203.103 a or b. Not applicable to item 203.103d.	\$10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

> A. V. ASTIN. Director.

[F.R. Doc. 62-976; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

-AID OF CIVIL AUTHORITIES SUBCHAPTER A-AND PUBLIC RELATIONS

PART 800-DEPARTMENT OF THE AIR FORCE SEAL

Part 800 is revised to read as follows:

Sec. 2.008 Purpose. Description of the seal.

8.003 Use of the seal.

800.4 Coat of arms. Official drawings. 800.5

800.6 Headquarters USAF responsibilities.

AUTHORITY: §§ 800.1 to 800.6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Source: AFR 11-10, June 17, 1960.

§ 800.1 Purpose.

Sections 800.1 to 800.6 describe the Department of the Air Force Seal, prescribe its use, and tell when the Seal may be reproduced in whole or in part. § 800.2 Description of the seal.

The Air Force Seal, established by Executive Order 9902, November 1, 1947, is the impression used on official documents and records of the Department of the Air Force.

(a) The Coat of Arms, in the center portion of the Seal, consists of two components:

(1) The Crest includes the eagle, cloud formation, and heraldic wreath. The American bald eagle symbolizes the United States and its airpower; the wreath beneath the eagle, composed of six alternate folds of metal and color, repeats the principal metal and color used in the Shield, white (representing silver) and light blue. The cloud formation behind the eagle depicts the creation of a new firmament—the Department of the Air Force.

(2) The Shield, immediately below the eagle, is divided horizontally into two parts by a nebuly line representing clouds. The top portion of the shield bears the heraldic thunderbolt, which portrays striking power through the medium of aerospace.

(b) The 13 encircling stars represent the original 13 colonies.

(c) Roman numerals beneath the shield indicate 1947, the year the Department of the Air Force was established.

· (d) The band encircling the whole design bears the inscription "Department of the Air Force" and "United States of America."

(e) The official Air Force colors, ultramarine blue and golden yellow, are used in the Seal. Ultramarine blue is used for the circular background of the Seal, while the upper part of the Shield of the Coat of Arms is light blue, representing the sky. The lower part of the shield is white, representing the heraldic metal silver. The thunderbolt is golden yellow with flames in natural color. Alternate twists of white and light blue make up the wreath of the crest; the eagle and cloud are in their natural col-The 13 stars are white, and the Roman numerals golden yellow. White. edged in golden yellow with black letters, is used on the encircling band.

§ 800.3 Use of the scal.

(a) Official policy. Use of the Seal or any part thereof is permitted only as authorized herein, or as approved by the Department of the Air Force in specific Falsely making, forging, instances. counterfeiting, mutilating, or altering the Seal, or knowingly using or possessing with fraudulent intent any such altered Seal, is punishable by law (62) Stat. 714; 18 U.S.C. 506).

(b) Authorized uses. The Seal or any part thereof, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used as follows:

(1) Motion pictures and television: In Air Force-approved training films, public

relations films, and official USAF motion picture and television programs.

(2) Memorials and monuments: Those erected by the Department of the Air Force or for which both the purpose and design are specifically approved by Headquarters USAF.

(3) Display: With any official Air Force exhibit.

(4) Wall plaques: By museums, military societies, and governmental institutions, when specifically approved by Headquarters USAF.

Note: When use of the entire Seal or any part thereof is desired and the specific case is not covered in §§ 800.1 to 800.6, request for approval will be forwarded through channels to Hq USAF (AFPMP-12-C), Washington 25, D.C.

(c) Unauthorized uses. The Seal will not be used:

(1) On souvenir or novelty items of an expendable nature.

(2) On printed matter reproduced or procured by an Air Force activity, except as provided in paragraph (b) (1) of this section.

(3) On toys or commercial gifts and premiums.

(4) As a letterhead design on stationery.

(5) On menus, matchbook covers, sugar envelopes, calendars, and similar items:

(6) To adorn civilian clothing.

(7) On membership cards of military or quasi-military clubs, societies, etc.

(8) On athletic clothing and equipment.

(9) On any article which may discredit the Seal or reflect unfavorably upon the Department of the Air Force.

(10) In any manner which implies Air Force indorsement of commercial products or services.

(11) On commercial or private printed matter.

§ 800.4 Coat of arms.

Authorized uses of the Coat of Arms are given below:

(a) Coat of Arms, with or without encircling stars, in black and white, color, monochrome reproduction, pictorial or sculptured relief, may be used for ornamentation, for nonofficial use, on articles of jewelry, such as watches, rings, tie clasps, cuff links, bracelets, cigarette lighters, and similar articles where use of the Coat of Arms is in good taste and appropriate to the occasion.

Note: Use of the Coat of Arms in instances mentioned in paragraph (a) of this section must be specifically approved by Hq USAF (AFPMP-12-C), Washington 25, D.C. When Headquarters USAF approves use of the Coat of Arms for nonofficial purposes, it will do so only with the understanding that such usage in no way reflects Air Force endorsement of the product involved.

(b) Coat of Arms without encircling stars, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used for ornamentation by USAF military personnel, including members of the Reserve components and USAF retired personnel, as follows:

For display on personal stationery or framing for display in the home as a painting or a wall plaque.

No. 20-2

(2) For wear on civilian jackets or blazers of conservative color.

Note: Although Headquarters USAF approval is not required for use of the Coat of Arms without encircling stars in the cases mentioned in paragraph (b) of this section, Air Force personnel are reminded that it is the obligation of each member to protect the dignity of the Air Force Coat of Arms by insuring that its display is in good taste and is appropriate to the occasion.

§ 800.5 Official drawings.

Official drawings of the Seal or any part thereof required for reproduction purposes may be obtained through channels from Hq USAF (AFCAS-50), Washington 25, D.C. The request will be accompanied by a complete justification.

§ 800.6 Headquarters USAF responsibilities.

(a) The Administrative Assistant, Office of the Secretary of the Air Force, is the custodian of the Air Force Seal, and is solely responsible for approving use of its impression on official departmental documents and records.

(b) The Deputy Chief of Staff, Personnel, is responsible for approving use of facsimiles of the Seal, or portions thereof, on insignia, flags, medals, and similar items. 'He is also responsible for authorizing such other uses of elements of the Seal as Air Force organizations, civilian groups, and industry may request.

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By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 62-748; Filed, Jan. 29, 1962; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 612—REGULATIONS TO IMPLE-MENT THE MEXICAN LABOR PRO-GRAM

Deletion

Effective February 1, 1962, Part 612 of Title 20, Code of Federal Regulations, is hereby deleted. Because the deletions

are of rules of agency procedure and not substantive rules, neither public procedure nor further delay in effective date is provided.

Signed at Washington, D.C., this 24th day of January 1962.

ROBERT C. GOODWIN,

Director, Bureau of

Employment Security.

[F.R. Doc. 62-962; Filed, Jan. 29, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce
Commission

SUBCHAPTER 8—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form A (Class I Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 17th day of January A.D. 1962.

The matter of annual reports of Class I motor carriers of property being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rulemaking procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1 of the order of December 9, 1960, in the matter of Motor Carrier Annual Report Form A (Class I Carriers of Property), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.1 be, and is hereby, modified and amended to read as follows:

§ 205.1 Annual reports of Class I carriers of property.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all Class I motor carriers of property, as described in § 182.01-1, viz. of this chapter, carriers with average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or more, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (Property), which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

It is further ordered, That copies of this order and of Motor Carrier Annual Report Form A (Property) shall be

served on all Class I motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,

Secretary.

[F.R. Doc. 62-965; Filed, Jan. 29, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters Within and Adjacent to Back Bay National Wildlife Refuge, Virginia

Correction

In F.R. Doc. 62–115, appearing at page 104 of the issue for Friday, January 5, 1962, the following corrections are made in the land description:

1. Immediately following the first occurrence of the name "Ragged Island", the text should read "thence N. 70°56' W., * * *" instead of "thence E. 70°56' W., * * *".

2. Immediately following the first occurrence of the name "Haul Over Island", the text should read "thence N. 9°26' E., * * * " instead of "thence W. 9°26' E., * , * * *"

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service,
Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

Areas in Which Parades and Public Gatherings Are Prohibited

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), § 3.22 of Title 36, Code of Federal Regulations, is amended as set forth below. The purpose of the amendment is to close East Executive Avenue to parades and public gatherings so that this means of access to the White House and Treasury Building will be open at all times.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to par-

¹ Form filed as part of original document.

ticipate in the rule-making process. However, because East Executive Avenue is a comparatively narrow and busy thoroughfare and is used as an access way for entry to the White House for all public tours, it is determined that the use of the street for other or additional public gatherings should be restricted as being contrary to the best interest of the general public. Accordingly, this amendment shall become effective upon publication in the Federal Register.

Paragraph (j) of § 3.22 is amended to read as follows:

- § 3.22 Areas in which parades and public gatherings are prohibited.
- * * * * * * (j) East, West, and South Executive Avenues.

STEWART L. UDALL, Secretary of the Interior.

JANUARY 23, 1962.

[F.R. Doc. 62–961; Filed, Jan. 29, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

I 26 CFR Part 295 1

REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED **STATES**

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN. Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of Part 295 of this Chapter as amended by T.D. 6379, effective July 1, 1959, and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275).

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

Subpart A-Scope of Regulations

Sec. 295.1

Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B---Definitions

295.11 Meaning of terms.

Subpart C-Administrative Provisions

Alternate methods or procedures. 295.21 Emergency variations from requirements.

Sec. 295.23 Authority of internal revenue officers to enter premises.

295.24 Interference with administration, Unlawful purchase, receipt, possession, or sale of tobacco products or 295.25 cigarette papers or tubes, after

Subpart D-Removals

Restrictions. 295.31

295.32 Under manufacturer's bond. 295.33 Return of shipment to factory.

295.34 Loss or shortage in shipment.

295.35 Liability for tax. 295.36 Payment of tax.

295.37 Assessment.

Subpart E-Packaging Requirements

295.41 Packages.

Mark for packages of tobacco products.

295.43 Notice for manufactured tobacco. 295.44 Notice for cigars.

295.45 Notice for cigarettes.

Tax-exempt label.

Subpart F-Records

295.51 Supporting record.

AUTHORITY: §§ 295.1 to 295.51 are issued under authority of section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections

Subpart A—Scope of Regulations

§ 295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

This part contains the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United

Subpart B-Definitions

§ 295.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this sec-Words in the plural form shall include the singular, and words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Armed forces. The Army, Navy (including the Marine Corps), Air Force,

and Coast Guard.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commis-

Charge of the United States. tient in a hospital or similar institution, or a Federal prisoner, if the hospital, institution, or prison is operated by a Federal agency and the support or care of such person results in a charge on,

or an expense to, the United States Government.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Federal agency. A department or agency of the United States Government, including the American National Red

Cross, and the U.S. Soldiers Home, Washington, D.C.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed. for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder ..

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.
Regional commissioner. A regional
commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Administrative Provisions

§ 295.21 Alternate methods or procedures.

A manufacturer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that:

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to

employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application will be a properly and the property of the property plication shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.22 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 295.24 Interference with administra-

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Any person who, with intent to defraud the United States, purchases, receives, possesses, offers for sale, or sells or otherwise disposes of tobacco products or cigarette papers or tubes which, after removal without payment of tax, have been diverted from the purpose or use specified in this part, shall be subject to the criminal penalties and provisions for forfeiture prescribed by law.

(72 Stat. 1424, 1425, 1426; 26 U.S.C. 5751, 5762, 5763)

Subpart D—Removals

§ 295.31 Restrictions.

Tobacco products and cigarette papers and tubes purchased by a Federal agency with funds appropriated by the Congress of the United States may be removed, without payment of tax, in accordance with this part, for delivery to such Federal agency for gratuitous distribution under the supervision of such agency. Such articles purchased by a donor from a manufacturer, or donated directly by a manufacturer, may also be removed, without payment of tax, in accordance with this part, for delivery to a Federal agency for gratuitous distribution under the supervision of such agency to charges of the United States, or to veterans of the armed forces of the United States who are patients in hospitals and institutions operated by the Government of a State or the District of Columbia. Tobacco products and cigarette papers and tubes removed under the provisions of this part may not be sold subsequent to removal.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.32 Under manufacturer's bond.

Removals of tobacco products and cigarette papers and tubes under this part shall be made under the bond filed by the manufacturer of such articles to cover the operations of his factory as required by section 5711, I.R.C., and regulations issued thereunder.

(72 Stat. 1418, 1421; 26 U.S.C. 5704, 5711)

§ 295.33 Return of shipment to factory.

Tobacco products and cigarette papers and tubes which have been removed, under this part, may be returned to the factory without internal revenue supervision.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.34 Loss or shortage in shipment.

Immediately upon receipt of information of a loss of all or part of a shipment, or of a shortage therein, of tobacco products or cigarette papers or tubes removed under this part, the manufacturer shall notify the assistant regional commissioner for the region in which the factory from which the articles were removed is located, furnish all pertinent details with respect to the loss or shortage, and either pay the tax due thereon in accordance with the provisions of \$295.36, or file claim for remission of the tax liability under the provisions of Parts 270 or 285 of this chapter, as the case may be.

(72 Stat. 1417, 1419; 26 U.S.C. 5703, 5705)

§ 295.35 Liability for tax.

The manufacturer who removes tobacco products or cigarette papers or tubes under this part shall be liable for the taxes imposed thereon by section 5701, I.R.C., until such tobacco products or cigarette papers or tubes are received by the Federal agency. Any person who possesses tobacco products and cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles. (72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 295.36 Payment of tax.

Any tax which becomes due and payable on tobacco products and cigarette papers and tubes removed under this part shall be paid to the district director, for the district in which the factory from which such articles were removed is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment: Provided, That a manufacturer of tobacco products or cigarette papers or tubes may pay any tax for which he becomes liable under this part by an appropriate adjustment in his current semimonthly tax return, Form 3071, or his monthly tax return, Form 2137, as the case may be. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778, 72 Stat. 1417; 26 U.S.C. 6313, 5703)

§ 295.37 Assessment.

Whenever any person required by law to pay tax on tobacco products and cig-

arette papers and tubes fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501. I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart E—Packaging Requirements

§ 295.41 Packages.

All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer in packages which shall be of such construction as will securely contain the articles therein and maintain the mark, notice, and label thereon, as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, or (b) any indecent or immoral picture, print, or representation.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.42. Mark for packages of tobacco products.

Every package of tobacco products shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of such factory from which such products are to be so removed: Provided, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed under this part from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.43 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.44 Notice for cigars.

Every package of cigars shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701(b) (2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each":

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each."

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each".

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each":

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.45 Notice for cigarettes.

Every package of cigarettes shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.46 Tax-exempt label.

Every package of tobacco products and cigarette papers and tubes removed under this part shall have the words "Tax-Exempt. For use of the U.S. Not To Be Sold." adequately imprinted on the package or on a label securely affixed thereto.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F--Records

§ 295.51 Supporting record.

Every manufacturer who removes tobacco products and cigarette papers and tubes under this part shall, in addition to the records kept under Part 270 of this chapter, keep a supporting record of such removals and shall make appro-

priate entries therein at the time of re-The supporting record shall show, with respect to each removal, the date of removal, the name and address of the Federal agency to which shipped or delivered, the quantity, and, with respect to large cigars, the class, for tax purposes. Appropriate entries shall also be made in the supporting record of any tobacco products or cigarette papers or tubes removed under this part which are returned to the factory. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that such information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. The supporting record shall be retained by the manufacturer for 3 years following the close of the year covered therein and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

[F.R. Doc. 62-970; Filed, Jan. 29, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
1.7 CFR Part 51 1

SWEET CORN FOR PROCESSING 1

Proposed U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Sweet Corn for Canning pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sees. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed revision. The existing U.S. Standards for Sweet Corn for Canning, last revised in 1945, have become badly outmoded and inadequate for present needs. During the intervening years, industry preferences and practices with regard to processed corn have changed a great deal. Freezing as a method of processing has become increasingly important, and the whole kernel style has become the overwhelming favorite. The demand for whole kernel packs has placed the emphasis on harvesting and packing corn at a young stage of maturity in order to meet the high standards for tenderness required in the U.S. Standards for Processed Corn. The existing standards for raw sweet corn for canning do not differentiate adequately between the gradations of quality and maturity.

The proposed revision will change the grade structure while preserving the

basic principles of quality and maturity determination which have been contained in the standard from the beginning. The No. 1 and No. 2 grades will be continued, but will contain more explicit requirements. There will be more distinct differences between the two grades than there is at present, based upon size of the ear and degree of freedom from defects.

In the proposed standards, maturity of the corn does not enter into the determination of the grade of the ear, excepting that excessively young or excessively old ears are classed as "Culls". Each ear which falls within the range of "milk" to "dough" maturity is graded on its merits, aside from maturity.

The new maturity classifications for entire loads are considered to be potentially the most important and useful provision of the proposed standards. The present standards provide only for the classification of individual ears as A, B, or C maturity, with no provision for a general maturity rating for the load.

The proposed standards provide not only comparable maturity ratings for individual ears with more complete definitions of each, but they also provide seven different maturity classifications for the load as a whole based upon the range of maturity of the ears in the load. These classes will be highly significant as indicators of the probable grade ratings which will be given to the processed corn packed from the loads in question. It is presumed that growers and processors will use the maturity classifications as targets in timing their harvesting operations to obtain the best stage of maturity for the grade of pack which the processor intends to make.

The size of ears required in U.S. No. 1 grade, in terms of the amount of usable corn on the ear, would be increased from the present 3 inches to 4 inches, unless otherwise specified. This is in keeping with the greatly increased size of ears produced from present day hybrid varieties in contrast to the old open-pollinated varieties of yellow sweet corn. The No. 2 grade would retain the 3-inch requirement presently in effect.

A number of added definitions are proposed to more clearly state what are the limits permitted in the No. 1 grade and the No. 2 grade for various defects. These definitions include damage by worms, birds, freezing, and denting of the kernels. Definitions for damage by cross pollination and smut would be changed. All of these changes are intended to reflect the higher standards of products being packed which are made possible by improved growing and processing methods.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the Federal Register.

The proposed standards, as revised, are as follows:

GRADES

Sec. 51.3365 U.S. No. 1. 51.3366 U.S. No. 2.

CULLS

51.3367 Culls.

MATURITY CLASSIFICATIONS

51.3368 Maturity classifications.

DEFINITIONS

51.3369 Similar color characteristics.

51.3370 Fresh. 51.3371 Damage.

51.3372 Blister stage. 51.3373 Milk stage.

51,3374 Cream stage. 51,3375 Dough stage. 51,3376 Hard stage.

51.3377 Serious damage.

APPLICATION OF STANDARDS

51.3378 Purpose of standards. 51.3379 Husked ear basis.

51.3380 Grade and maturity determination.

AUTHORITY: §§ 51.3365 to 51.3380 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.3365 U.S. No. 1.

(a) "U.S. No. 1" consists of ears of sweet corn of similar color characteristics which are fresh and free from damage by freezing, cross pollination, denting, worms, birds, fermentation, smut or other disease, mechanical or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity.

(b) Unless otherwise specified, each ear shall have not less than an average of 4 inches of the cob covered with un-

damaged kernels.

§ 51.3366 U.S. No. 2.

(a) "U.S. No. 2" consists of ears of sweet corn of similar color characteristics which are fresh, free from damage by freezing, fermentation, smut or other disease, and free from serious damage by cross pollination, denting, worms, birds, mechanical or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity.

(b) Unless otherwise specified, each ear shall have not less than an average of 3 inches of the cob covered with un-

damaged kernels.

Currs

§ 51.3367 Culls.

"Culls" consists of ears of sweet corn which fail to meet the requirements of U.S. No. 2 grade.

MATURITY CLASSIFICATIONS

§ 51.3368 Maturity classifications.

In addition to the grade classification, a lot of sweet corn may be classified for general overall maturity in terms of one of the following maturity classifications:

(a) A-1. Includes ears in the "milk stage" or younger, more than half of which are in the very tender early "milk

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

stage", and none of the remainder of which are bordering on the "cream stages"

(b) A-2. Includes ears in the "milk stage" or younger with not more than 5 percent bordering on the "cream stage".

(c) A-3. Includes ears in the "milk stage" with more than 5 percent bordering on the "cream stage".

(d) A-B. Includes ears generally in the "milk stage" with 1 to 10 percent in the "cream stage".

(e) B. Includes ears mostly in the "milk stage" with more than 10 percent in the "cream stage".

(f) B-C. Includes ears generally in either the "milk" or the "cream stage" with 1 to 10 percent in the "dough stage".

(g) C. Includes ears more than 10 percent of which are in the "dough stage".

DEFINITIONS

§ 51.3369 Similar color characteristics.

"Similar color characteristics" means, that the kernels on the ears of corn in any lot are of the same general color.

§ 51.3370 Fresh.

"Fresh" means that the ear does not show evidence of dryness from excessive elapsed time after picking or from other causes.

§ 51.3371 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially lowers the processing quality of the ear. The following specific defects shall be considered as damage:

(a) Freezing when color, texture or flavor of the kernels has been materially affected;

(b) Denting when 5 percent or more of the kernels on the ear show conspicuous depressions in the exposed surface:

(c) Cross pollinations when 3 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear:

(d) Worms when badly discolored remnants of worm-eaten kernels, affect an area of the ear as great as that of a circle one inch in diameter, or when a corn borer has tunneled into the cob.

(e) Birds when badly discolored or dried remnants of birdpecked kernels affect an area of the ear as great as that of a circle one inch in diameter;

(f) Fermentation when any portion of the husked ear has a distinctly sour odor: and

(g) Smut when any kernel on the ear is more than slightly swollen due to smut infection.

§ 51.3372 Blister stage.

"Blister stage" means the stage of development in which the kernels are not sufficiently mature for processing. They are small, underdeveloped, have very tender pericarps and contain watery or cloudy liquid which runs freely when released.

§ 51.3373 Milk stage.

"Milk stage" means the stage of development in which the kernels are moderately to well filled out, have tender pericarps which break with light pressure from the thumb nail, and contain a milky or thin creamy liquid which spreads or runs moderately when released.

§ 51.3374 Cream stage.

"Cream stage" means the stage in which the kernels have attained full size, have fairly tender pericarps which break with moderate pressure from the thumb nail, and contain a thick creamy substance which spreads or runs very little when released.

§ 51.3375 Dough stage.

-"Dough stage" means the stage in which the kernels have attained full size, have tough pericarps which require heavy pressure from the thumb nail to break, and contain a soft doughy substance which does not spread or run when released.

§ 51.3376 Hard stage.

"Hard stage" means the stage in which the kernels have very tough pericarps and contain a heavy, sticky, doughy substance. Ears in this stage are overmature for any processing purpose.

§ 51.3377 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously lowers the processing quality of the ear. The following specific defects shall be considered as serious damage:

(a) Cross pollination when 5 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear:

(b) Denting when 10 percent or more of the kernels on the ear show conspicuous depressions in the exposed surfaces;

(c) Worms when areas having conspicuous worm-eaten kernels extend to or near to the central portion of the ear, necessitating side ("slab") trimming by hand, or when a corn borer has tunneled into the cob;

(d) Birds when areas having conspicuous bird-pecked kernels extend to or near to the central portion of the ear, necessitating side ("slab") trimming.

APPLICATION OF STANDARDS

§ 51.3378 Purpose of standards.

These standards are intended for use in describing the quality and maturity of loads of sweet corn being delivered by growers to processors. The grade and maturity classification of a load is useful in two ways. First, it provides an equitable basis for pricing the load in relation to its quality. Second, it enables the processor to use the corn more advantageously.

§ 51.3379 Husked ear basis.

The standards shall be applied on the basis of husked ears. All ears in the

grade sample shall be completely husked during the grading process. A husked ear is one which has all of the husks removed, the shank or stem trimmed to one inch or less in length, and the cob trimmed, if necessary, so that the portion remaining without usable kernels is not more than one-fourth the length of the trimmed ear.

§ 51.3380 Grade and maturity determination.

(a) A representative sample from the load shall be used for grade and maturity determination. A weighed quantity of ears is husked and sorted into groups of U.S. No. 1, U.S. No. 2 and Cull ears. The weight of each of these groups of husked ears is used to calculate the percentage of each.

(b) The maturity of the individual ears is determined during the process of grading, and a maturity classification is assigned to the load on the basis of the percentages of ears in the various stages of maturity.

(c) All percentages shall be determined on the basis of weight.

Dated: January 24, 1962.

G. R. GRANGE, Deputy Administrator, Marketing Services.

[F.R. Doc. 62-978; Filed, Jan. 29, 1962; 8:48 a.m.]

[7 CFR Parts 907, 908]

[Docket Nos. AO-245-A5, AO-250-A3]

HANDLING OF NAVEL AND VALEN-CIA ORANGES GROWN IN ARI-ZONA AND DESIGNATED PART OF **CALIFORNIA**

Supplemental Notice of Hearing With Respect to Proposed Amendments of the Marketing Agreements and Orders

On January 12, 1962 (27 F.R. 474: F.R. Doc. 62-514), there was issued by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, a notice of hearing with respect to proposed amendments to the marketing agreements and orders regulating the handling of navel and Valencia oranges grown in Arizona and designated part of California.

Notice is given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing marketing agreements and orders (7 CFR Part 900), that, in addition to the proposal set forth in the said notice of January 12, 1962, evidence will be received with respect to the additional proposed amendments hereinafter set forth or appropriate modifications thereof. The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

Under Proposal No. 1, add a new paragraph H. as follows:

H. Revise the provisions of § 907.67(d) by adding at the end thereof the following: "in quantities of five cartons or less consigned to the same consignee on any one day."

Under Proposal No. 2, add a new paragraph H. as follows:

H. Revise the provisions of § 908.67(d) by adding at the end thereof the following: "in quantities of five cartons or less consigned to the same consignee on any one day."

Copies of this supplemental notice of hearing, together with the notice of hearing, may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: January 25, 1962.

PAUL A. NICHOLSON, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-979; Filed, Jan. 29, 1962; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 95]

SANITARY CONTROL OF ANIMAL BY-PRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), it is proposed to amend Part 95 of Title 9, Code of Federal Regulations, governing the sanitary control of animal by-products (except casings), and hay and straw, offered for entry into the United States, in the following respects:

§ 95.1 [Amendment]

1. Section 95.1(e) would be deleted.

§ 95.2 [Amendment]

2. Section 95.2 would be amended by substituting the word "commercial" for the word "consular."

§ 95.7 [Amendment]

- 3. Section 95.7 would be amended by substituting the letter designation "(d)" for the letter designation "(e)" in the introductory paragraph thereof.
 - 4. Section 95.7(e) would be deleted.
- 5. Section 95.14 would be amended to read:
- § 95.14 Blood meal, tankage, meat meal, and similar products, for use as fertilizer or animal feed; requirements for entry.

Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products, for use as fertilizer or as feed for domestic animals, shall not be imported except subject to handling and treatment in accordance with paragraphs (a), (b), and (c) of § 95.16, unless:

(a) Such products originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest: or

(b) The inspector at the port of entry finds that such products have been fully processed by tanking under live steam or by dry rendering.

- 6. Section 95.15 would be amended to read:
- § 95.15 Blood meal, blood albumin, intestines, and other animal by-products for industrial use; requirements for unrestricted entry.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts shall not be imported except subject to handling and treatment in accordance with § 95.16, unless such products originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

- 7. Section 95.17 would be amended to read:
- § 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products shall not be imported except subject to handling and treatment in accordance with § 95.18, unless such glands, organs, or materials originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

8. Section 95.21 would be amended to read:

§ 95.21 Hay and straw; requirements for unrestricted entry.

Except as provided in § 95.28, hay or straw shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry, unless such hay or straw originated in and was shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments, may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication hereof in the Federal Register.

Done at Washington, D.C., this 25th day of January 1962.

M. R. CLARKSON, Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-980; Filed, Jan. 29, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRA-TION

I 13 CFR Part 121 1

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Business for Hydraulic Dredging Industry

On July 26, 1961, there was published in the Federal Register (26 F.R. 6656), a notice of a hearing to be held September 12,1961, at 10:00 a.m. e.d.s.t., in Room 442, 811 Vermont Avenue, NW., Washington 25, D.C., on the definition of small business for the hydraulic dredging industry for the purpose of Government procurement and SBA loans.

Interested persons were invited to make oral statements at the hearing or to file with the Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C., written statements of facts, opinions or arguments concerning the appropriate definition of a small business in the hydraulic dredging industry.

The present definition of a small business for the hydraulic dredging industry for the purpose of Government procurement and SBA business loans is a concern that: (1) is independently owned and opperated, (2) is not dominant in its field of operation, and (3) with its affiliates has average annual receipts of \$5,000,000 or less for the preceding three fiscal years.

The hearing was held in accordance with the notice.

After consideration of all such relevant matter as was presented by interested parties at the hearing and in written statements and after consideration of past Government procurements for the services of this industry, it has been determined that the present definition of a small business for the hydraulic dredging industry should not be changed.

John E. Horne, Administrator.

January 19, 1962.

[F.R. Doc. 62-969; Filed, Jan. 29, 1962; 8:47 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Proposed Definition of Small Business for Construction Industry Except Hydraulic Dredgers

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the construction industry except hydraulic dredgers, for the purpose of Government procurement and SBA business loans. Hydraulic dredging is excepted since a hearing was held for the hydraulic dredging industry on September 12, 1961.

The hearing will take place February 20, 1962, at 10:00 a.m. e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

PROPOSED RULE MAKING

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 15, 1962, written statements of facts, opinions, or arguments concerning the appropriate definition of a small business in the construction industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter

shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards. Small Business Administration. Washington 25, D.C.

The present definition of a small business for the construction industry for the purpose of both procurement and financial assistance is a concern that:
(1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has average annual receipts of \$5,000,000 or less for the preceding three fiscal years.

Dated: January 22, 1962.

JOHN E. HORNE. Administrator.

[F.R. Doc. 62-966; Filed, Jan. 29, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 10]

IRRIGATION MATTERS Redelegation of Authority

JANUARY 22, 1962.

Order 1, as amended, is further amended by the addition of Sec. 3.205 under Part 3, "Functions Relating to Indian Irrigation Projects," to read as follows:

SEC. 3.205 Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business, or grazing purposes. The Superintendent of Flathead Indian Agency with the written concurrence of the Flathead Irrigation Project Engineer is authorized to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Flathead Irrigation Project, and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

> JOHN O. CROW. Acting Commissioner.

[F.R. Doc. 62-957; Filed, Jan. 29, 1962; 8:45 a.m.1

Bureau of Land Management CALIFORNIA OUTER CONTINENTAL SHELF LEASING MAPS

Availability

JANUARY 25, 1962.

The following Outer Continental Shelf leasing maps for areas offshore from California, extending from Point Conception to the north boundary of California, were approved November 21, 1961:

California Map No.:

- 1N Eureka area (north half). 1S Eureka area (south half).
- Pt. Arena area.
- San Francisco area.
- Carmel area.
- Morro Bay area.

Publication of these maps does not imply acquiescence by the State of California in the Federal claim to the areas platted on these maps.

Reduced scale copies of these maps have been assembled in a set of six. Copies of the maps may be obtained for \$1 per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La.; Land Office Manager. Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, Calif.: Land Office Manager, Bureau of Land Management, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento 14, Calif.; or the Director. Bureau of Land Management, Washington 25, D.C.

KARL S. LANDSTROM, Director,

Bureau of Land Management.

[F.R. Doc. 62-958; Filed, Jan. 29, 1962; 8:45 a.m.]

AREAS TO BE OFFERED FOR OIL AND GAS LEASING IN THE OUTER CON-TINENTAL SHELF

Call for Nominations

JANUARY 25, 1962.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas for prospective oil and gas leasing in the Outer Continental Shelf off California north of Point Conception may be submited to the Director. Bureau of Land Management, Washington 25, D.C., not later than April 27, 1962. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, 1012 Bartlett Building, 215 West 7th Street, Los Angeles, Calif. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf-California."

All nominations must be described in accordance with the Outer Continental Shelf leasing maps for areas offshore from California, as prepared by the Bureau of Land Management, U.S. Department of the Interior. Properly described subdivisions of blocks may be nominated. Copies of the official leasing maps numbered 1N, 1S, 2, 3, 4, 5 may be procured from the Manager, Bureau of Land Management, T-9003 Federal Office Building. 701 Loyola Avenue, New Orleans 12, La.; Land Office Manager, Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, Calif.; Land Office Manager, Bureau of Land Management, Federal Building and U.S. Court House, Room 4017, 650 Capitol Avenue, Sacramento 14, Calif.; or the Director, Bureau of Land Management, Washington 25, D.C. at \$1 per set of six maps.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing (43 CFR 201.20) and the place, date, and hour at which bids will be received and opened.

> KARL S. LANDSTROM. Director. Bureau of Land Management.

[F.R. Doc. 62-959; Filed, Jan. 29, 1962; 8:45 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 22, 1962.

Notice of an application Serial No. Idaho 011668, for withdrawal and reservation of lands was published as Federal Register Document No. 60-8357 on page 8724 of the issue for September 9, 1961. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on February 7, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 5 W., B.M., Idaho, Sec. 23: N1/2 SE1/4 SW1/4, N1/2 SW1/4 SE1/4; Sec. 27: NW 1/4 NE 1/4.

Totaling 80 acres.

JOE T. FALLINI, State Director.

[F.R. Doc. 62-960; Filed, Jan. 29, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-157]

CORNELL UNIVERSITY

Notice of Issuance of Facility License **Amendment**

Please take notice that Amendment No. 1 to License No. R-80, set forth below, has been issued, effective as of the date License No. R-80, as of issuance. amended, authorizes operation of the Cornell University TRIGA Mark II nuclear reactor located on the university's campus at Ithaca, N.Y.

The amendment authorizes operation of the reactor in accordance with a revision in the application for license concerning personnel, qualifications of new personnel, plans for selection and training of additional operators, and a change in the requirement that two TRIGA licensed operators be present during reactor operations.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license. as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

For further details see (1) the application amendment dated December 28. 1961, submitted by Cornell University, and (2) a hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and 868 NOTICES

Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of January 1962.

For the Atomic Energy Commission.

EDSON G. CASE, Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-80; Amdt. 1]

License No. R-80, issued to Cornell University, is hereby amended to authorize the changes described in the application amendment dated December 28, 1961, as follows:

1. Paragraph 1 of License No. R-80 is hereby amended to read as follows:

1. This license applies to the TRIGA nuclear reactor (hereinafter referred to as "the reactor") which is owned by Cornell University and located on-the university's campus in Ithaca, N.Y., and described in the university's application for license dated March 3, 1960, and amendments thereto dated June 2, 1961 and December 28, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-58 issued to Cornell University.

. This amendment is effective as of the date \searrow of issuance.

Date of issuance: January 22, 1962.

For the Atomic Energy Commission.

EDSON G. CASE, Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-950; Filed, Jan. 29, 1962; 8:45 a.m.]

[Docket No. 27-20]

OCEAN TRANSPORT CO.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following filing of notice of the proposed amendment of License No. 4-5668-1 held

by Ocean Transport Co., with offices at No. 1 Drumm Street, San Francisco 11, Calif. The Atomic Energy Commission has this date issued Amendment No. 10 to License No. 4–5668–1. This amendment is substantially in the form set forth in the notice of proposed amendment filed with the Federal Register office December 11, 1961, and published in the Federal Register on December 12, 1961, 26 F.R. 11878.

Dated at Germantown, Md., January 23, 1962.

For the Atomic Energy Commission.

R. L. Kirk,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 62-951; Filed, Jan. 29, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13336]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 1, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., January 25, 1962.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 62-972; Filed, Jan. 29, 1962; 8:47 a.m.]

[Docket No. 13085; Order E-17955]

ANDREWS AIR SERVICES CORP. ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1962.

In the matter of the application of Andrews Air Service Corp., et al., Docket 13085; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958

By Order E-16544, dated March 22, 1961, D. C. Andrews & Co., Inc. (Andrews), then an applicant for international air freight forwarder operating authority, was granted an exemption by the Board from the provisions of section 408 of the Federal Aviation Act of 1958 to permit it to control four wholly-owned subsidiaries. The interlocking relationships of the officers and directors of Andrews, who held the same positions in the four subsidiaries, were also approved under the provisions of section 409 of the Act. Thereafter, on June 9, 1961,

Andrews was issued Operating Authorization No. 158 as an international air freight forwarder.

Subsequently, Andrews decided it would be more beneficial to conduct the air freight forwarder activities through a new wholly-owned subsidiary, Andrews Air Service Corporation (Service). Accordingly, applications have been filed for the issuance to Service of an operating authorization as an international air freight forwarder 1 and for necessary approvals under sections 408 and 409 of the Act permitting Andrews to control Service and the four other subsidiaries and authorizing interlocking relationships between the companies.2 Applicants state in effect that the establishment of Service as an air freight forwarder, rather than Andrews, will be of assistance from the standpoint of customer identification and in other respects will simplify accounting and reporting procedures.

No objection to the application has been filed.

The Board, upon consideration of the application, concludes that the control by Andrews of Service and the other companies named above is subject to section 408(a) of the Act. The Board also concludes that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not cresult in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. Also, the establishment of Service for the purpose of becoming the air freight forwarder, in lieu of Andrews, does not alter significantly the relationships previously approved by the Board. It appears, therefore, that approval of the relationships would not be inconsistent with the public interest.

The authorization of Andrews as an international air freight forwarder is to be terminated upon approval of the instant application and the subsequent grant of a forwarder authorization to Service. For the purpose of this proceeding Service is considered to be an air carrier.

The subsidiaries, other than Service, are D. C. Andrews & Co. of Illinois, Inc., D. C. Andrews & Co. of Louisiana, Inc., D. C. Andrews & Co. of Massachusetts, and D. C. Andrews & Co. of Massachusetts, and D. C. Andrews & Co. of Maryland, Inc. The companies operate as surface freight forwarders by water or land and/or as cargo sales agents for members of the International Air Transport Association. The individuals involved in the interlocking relationships and their positions, which are the same for all companies including Andrews and Service, are as follows:

Name and position

Charles C. Hartzell, president, director.
Frank R. Harlocker, executive vice president,
director.

Erna B. (Mrs. Charles) Hartzell, director. Hakon Olsson, freasurer. Myron L. Shapiro, secretary, director. Eugene R. Birchier, vice president.

The Board has also determined that interlocking relationships within the scope of section 409(a) of the Act will exist between Service and the other companies named above, from the holding by the individual applicants of the positions described herein. However, the Board finds that the parties have made a due showing that the interlocking relationships will not adversely affect the public interest.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.3

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

- 2. That the Attorney General be furnished a copy of this order within one day of its publication; and
- 3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.4

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,

Secretary.

[F.R. Doc. 62-973; Filed, Jan. 29, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 166]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JANUARY 5, 1962.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

	<u> </u>					
Call letters	Location		Anten- na	Sched- , ule	Class	Expected date of commencement of operation
New	Grand Falls, Newfound-	600 kilocyles 5	DA-1	σ	m	Delete assignment.
New CKYL	Thompson, Manitoba Peace River, Alerta (PO: 630 kg 1 kw DA-N).	610 kilocycles 1	ND DA-N	ប	毌	EIO 1-1-63. Do.
CJLX	Fort William, Ontario (PO: 800 kc 5 kw DA-1).	10 D/5 N	DA-1	υ	n	Do.
New	Fredericton, New Bruns- wick	900 kilocycles	DA-1	σ	п	Delete Aassignment.
CKCY	Sault Ste. Marie, Ontario. Sault Ste. Marie, Ontario (change in daytime pat- tern only).	920 kilocycles 10 D/5 N	DA-2 DA-2	ប	毌	NIO on new frequency. EIO 1-1-63.
New	Fredericton, New Bruns- wick.	970 kilocycles 5	DA-1	ช้	m	D ₀ .
СВІ	Sydney, Nova Scotia (P0:1140kc5kwDA-1).	1140 kilocycles 10	DA-N	σ	n	Do.
CJCS	Stratford, Ontario (noti- fied on list #125 for 1 kw D/0.25 kw N 1240 kc DA-D).	0.5 D/0.25 N	ND	υ	ND	
		1270 kilocycles		-		
CJCB	Sydney, Novia Scotia (PO: 1270 kc 5 kw D/1 kw N ND).	10	DA-N		m	Do.
CJSL	Estevan, Saskatchewan	1280 kilocycles	DA-1	υ	m	Assignment of call
New	Melfort, Saskatchewan	1 1810 kilocycles	DA-1	σ	щ	letters. Delete assignment.
CFGM	Richmond Hill, Ontario	10 D/2.5 N	DA-1	υ	m	NIO with increased daytime power.
New	Tisdale, Saskatchewan	10	DA-1	υ	ın	Delete assign.
CFGB	Goose Bay,Newfound-	1540 kilocycles	ND	σ	IV	NIO.
CKCY	Sault Stc. Marie, Ontario.	1	ND	σ	ıv	Delete assignment Vide 920 kc.
New	Goderich, Ontario	1410 kilocycles	DA-N	σ	m	Delete assignment.
ŀ	•	1490 kilocycles	ļ	,]]	
New	Wilmot Station, Saskatchewan (notified on list #163 for 0.25 kw 1490 kc ND).	1 D/0.25 N	ND ,	U	IV	EIO 1-1-63.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE. Acting Secretary.

[F.R. Doc. 62-943; Filed, Jan. 29, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

First Oklahoma Bancorporation

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First Oklahoma Bancorporation, Oklahoma City, Okla., pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of a minimum of 309,697 shares (28.15 percent) of The First National Bank and

Trust Co. of Oklahoma City, Oklahoma City, Okla., and a minimum of 505 shares (50.5 percent) of The Idabel National Bank, Idabel, Oklahoma.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience. needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with affequate and sound banking, the public

³ Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the Federal Register, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL]

MERRITT SHERMAN, Secretary.

[F.R. Doc. 62-955; Filed, Jan. 29, 1962; 8:45 a.m.]

DEPARTMENT OF STATE

[Public Notice 204; Delegation of Authority 23-F-3]

PROCUREMENT TRANSACTIONS

Amendment of Delegation of Authority

Delegation of Authority No. 23-F-2 dated December 29, 1961 (27 F.R. 262, January 10, 1962), is hereby cancelled effective close of business January 2, 1962. Paragraph 1b of Delegation of Authority No. 23-F dated May 26, 1961, as amended, "Subject: Delegation of Authority for Procurement Transactions", shall be again effective on and after January 3, 1962.

For the Secretary of State.

HERMAN POLLACK,
Acting Assistant Secretary
for Administration.

JANUARY 2, 1962.

[F.R. Doc. 62-977; Filed, Jan. 29, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 589]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 25, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64561. By order of January 19, 1962, the Transfer Board approved the transfer to Naglee Moving & Storage, Inc., Elmira Heights, N.Y., of Certificates Nos. MC 71262, MC 71262 Sub 4, and MC 71262 Sub 6, issued October 27, 1948, June 21, 1950, and July 7, 1950, respectively, to Arthur Naglee, doing business as Naglee Moving & Storage, Elmira Heights, N.Y., authorizing the transportation over irregular routes of household goods, between points in Chemung County, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, New York, Massachusetts, and the District of Columbia; between points in Steuben, Allegany, Schuyler, and Yates Counties, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, and New York; between Corning, N.Y., on the one hand, and, on the other, points in Pennsylvania within 75 miles of Corning; and between points in Tioga County, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Maryland. District of Columbia, Delaware, New Jersey, Connecticut, Massachusetts, and Rhode Island. J. Richard Benedict, 126 West 14th Street, Elmira Heights, N.Y., attorney for applicants.

No. MC-FC 64569. By order of January 19, 1962, the Transfer Board approved the transfer to E-B Trucking Co., Inc., P.O. Box 518, Battleboro, N.C., of Certificate No. MC 46828, issued June 4, 1958, to A & E Trucking Co., a corporation, P.O. Box 518, Battleboro, N.C., authorizing the transportation, over irregular routes, of general commodities. excluding household goods, commodities in bulk, and other specified commodities, and of agricultural commodities, cottonseed meal and cottonseed hulls, cottonseed, cottonseed oil, and cotton linters, feed, grain, and flour, fertilizer and fertilizer materials, leaf tobacco. in hogsheads and sheets, peanuts, petroleum products, in containers, and scrap metal, from and to specified points in Maryland, Virginia, North Carolina, and Delaware, varying with the commodities transported.

No. MC-FC 64592. By order of January 19, 1962, the Transfer Board approved the transfer to Walter Taylor and Paul Peel, a partnership, doing business as Phillips Coach Lines Co., 102 Oak Street, Nicholasville, Ky., of Certificate No. MC 36290, issued December 29, 1959, to Walter Taylor, Paul Peel, Herman Brinegar, and F. S. Masterson, a partnership, doing business as Phillips Coach Lines Co., 102 Oak Street, Nicholasville, Ky., authorizing the transportation, over irregular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Lexington, Ky., and Wilmore, Ky.

No. MC-FC 64607. By order of January 19, 1962, the Transfer Board approved the transfer to Bailey's Express, Inc., East Hampton, Conn., of Certificate No. MC 37101, issued June 10, 1949, to Malcolm M. Hall, Jr., doing business as

Bailey's Express, East Hampton, Conn., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Haven, Conn., and Moodus, Conn., between Middletown, Conn., and Durham, Conn., between New Haven, Conn., and Meriden, Conn., between New Haven, Conn., and Middletown, Conn., and between Middletown, Conn., and Cromwell and East Hampton, Conn. Theodore J. Raczka, 363 Main Street, Middletown, Conn., attorney for applicants.

No. MC-FC 64615. By order of January 19, 1962, the Transfer Board approved the transfer to Revell Transit Lines, Inc., 911 West Sheridan Avenue, Shenandoah, Iowa, of Certificates Nos. MC 69036, MC 69036 Sub 1, MC 69036 Sub 2, MC 69036 Sub 3, MC 69036 Sub 4. and MC 69036 Sub 6, issued January 22, 1951, January 22, 1951, March 7, 1952, March 7, 1952, October 11, 1956, and September 16, 1958, respectively, to Budd A. Revell and Leila M. Revell, a partnership, doing business as Revell Transit Lines, 911 West Sheridan Avenue, Shenandoah. Iowa, authorizing the transportation of general commodities, between Omaha, Nebr., and Clarinda, Iowa; general commodities, including household goods, between Essex, Iowa, and Omaha, Nebr.; general commodities including household goods, but excluding commodities in bulk, between junction U.S. Highway 275 and Iowa Highway 184 and Essex, Iowa; general commodities, excluding household goods and commodities in bulk, between Omaha, Nebr., Percival, Thurman, and Hamburg, Iowa; and from Omaha, Nebr., to Sidney, Iowa and points in Iowa within 25 miles of Sidney; household goods, between Shenandoah, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, Kansas, and Colorado; household goods, between Hamburg, Iowa and Omaha, Nebr., and points within 10 miles of-Hamburg, except Riverton and Sidney, Iowa; household goods and emigrant movables, between Sidney, Iowa, and points in Iowa within 100 miles thereof, on the one hand, and, on the other, points in Nebraska; and between Sidney, Iowa, and points within 50 miles thereof, on the one hand, and, on the other, points in Missouri; building materials, from Nebraska City, Nebr., to points in Fremont, Mills, Montgomery, and Page Counties, Iowa; livestock, between Hamburg, Iowa serving intermediate and offroute points within 10 miles of Hamburg. Iowa; from Hamburg, Iowa to Omaha, Nebr., serving intermediate and off-route points in Iowa within 10 miles of Hamburg, Iowa; and from points in Iowa, to points in Nebraska; milled feed, farm implements and machinery, lumber, hardware, and coal, commercial feed, and feed, from and to points in Nebraska and Towa; sand, from point in Nebraska to points in Iowa.

No. MC-FC 64679. By order of January 19, 1962, the Transfer Board approved the transfer to Jenkins Bros., Inc., Mount Vernon, Oreg., of Certificate No. MC 119506, issued November 23, 1960, to Clarence Jenkins and Walter Jenkins,

a partnership, doing business as Jenkins Bros., Mount Vernon, Oreg., authorizing the transportation, over irregular routes, of asbestos ore, in bulk, from points in Grant County, Oreg., to Los Angeles, Calif. J. R. Campbell, Ogilvie Building, John Day, Oreg., attorney for applicants.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 62-964; Filed, Jan. 29, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 37525: Wheat and wheat flour to Corpus Christi, Tex. Filed by Texas-Louisiana Freight Bureau, agent (No. 428), for interested rail carriers. Rates on wheat and wheat flour, in carloads, from points in New Mexico and Texas, to Corpus Christi, Tex. (for export).

Grounds for relief: Port relationship.

Grounds for relief: Port relationship. Tariff: Supplement 109 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 37526: Corn and corn products from Illinois and Indiana points to the east. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2600), for interested rail carriers. Rates on corn and corn products, as described in the application, in carloads, from specified points in Illinois and Indiana, to eastern points located on the lines of The New York Central Railroad Co.

Grounds for relief: Origin rate relationship and market competition.

Tariff: Supplement 194 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4403 (Hinsch series).

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 62-963; Filed, Jan. 29, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration
DELEGATION OF FINAL
AUTHORITY

Regional Directors

Section II Delegation of final authority, is amended as follows:

Paragraph C1 is amended by adding the name "Kenneth C. Cavanaugh" below the title "Regional Directors."

Approved: January 19, 1962.

[SEAL]

Marie C. McGuire, Commissioner.

[F.R. Doc. 62-956; Filed, Jan. 29, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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